

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-55657-2023

Date of decision : 13.12.2023

JAGJINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. L.S. Sidhu, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

KULDEEP TIWARI.J. (ORAL)

1. On the last date of hearing, i.e. 06.11.2023, the following order was passed:-

“Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on anticipatory bail, in case FIR No.231 dated 03.10.2023, under Sections 384, 506 and 34 of the IPC (Section 201 of the IPC added subsequently), registered at Police Station City 2 Mansa, District Mansa.

The learned counsel for the petitioner submits that the petitioner has not been nominated as an accused in the FIR, rather the allegations, as carried in the FIR, relate to one Jassi Pancher, who is lodged in Mansa Jail. As per the allegations in the FIR, said Jassi Pancher telephonically demanded a ransom of Rs.2 lacs from the complainant. In furtherance of his said telephonic demand of ransom, said Jassi Pancher sent two persons to the

complainant's son, who also repeated the said demand of Rs.2 lacs.

During the course of investigation, said Jassi Pancher was joined in the investigation and during interrogation, he suffered a disclosure statement (Annexure P-3), that he had sent Sandeep Singh son of Ranjit Singh, resident of Ward No.04, Mansa, and, Jaggi Singh son of Leela Singh, resident of Ward No.01, Thuthiawali Road, Mansa, to the mobile shop of the complainant, for thereby establishing a telephonic conversation with the complainant.

While relying upon the disclosure statement (Annexure P-3) of the main accused, the learned counsel for the petitioner pleads innocence of the petitioner, on the ground, that the name of the petitioner apparently does notind any mention therein, rather the particulars of one "Sandeep Singh son of Ranjit Singh" and "Jaggi Singh son of Leela Singh" have been narrated therein, whereas, the petitioner has never been known by any of both these names.

Moreover, this Court put a specific query to the learned State counsel whether the present petitioner is also known by any of the names, as disclosed in Annexure P-3, however, the learned State counsel, on instructions imparted to him by HC Mangat Rai, has failed to make any positive satisfaction in the above regard.

Notice of motion for 13.12.2023.

Mr. Harpreet Singh, Addl. A.G., Punjab, accepts notice on behalf of State of Punjab.

Therefore, in the absence of any documentary proof qua establishing the identity of the petitioner as the persons, whose particulars were narrated by the main accused in Annexure P-3, it is deemed appropriate, at this

stage, to direct the petitioner to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

The learned State counsel is directed to file a specific affidavit, detailing therein, the investigation conducted by the investigating officer concerned, in order to ascertain the identity of the present petitioner, on or before the subsequent date of hearing.”

2. Today, the learned State counsel on instructions, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for custodial investigation.
3. In view of the specific stand taken by the learned State counsel, the present petition is allowed and order dated 06.11.2023, is hereby, made absolute.

13.12.2023
monika

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. :	Yes/No
Whether Reportable. :	Yes/No